

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Matsufumi WADA et al.

Application No.: 10/573,813

Filing Date: July 27, 2006

Title: BIOCATALYST FOR PRODUCTION  
OF D-LACTIC ACID



) Group Art Unit: To be assigned

) Examiner: To be assigned

) Confirmation No.: To be assigned

TRANSMITTAL LETTER FOR NOTICE TO COMPLY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In complete response to the Notice to Comply with Requirements for Patent Application Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures dated September 18, 2006, enclosed please find:

- a Combined Declaration and Power of Attorney signed by the inventor(s);
- Note that the inventor identified on the concurrently filed Combined Declaration and Power of Attorney is different than listed on the application filing papers.  
<<OR>> Note that the inventors identified on the currently filed Combined Declaration and Power of Attorney are different than listed on the application papers.
- an Application Data Sheet <<OR>> a Supplemental Application Data Sheet;
- the surcharge of  \$ 65.00  \$ 130.00 as set forth in 37 C.F.R. § 1.16(e);
- a Request for Refund;
- a Petition for Extension of Time;
- a verified English translation of the application, and the 130 fee as set forth in 37 C.F.R. § 1.17(k);
- drawings for publication;
- an Information Disclosure Statement;
- a certified copy of the priority document <<OR>> certified copies of the priority documents;

Transmittal Letter for Missing Parts of Application

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Attorney Docket No. 1034232-000019

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- copy of Notice to Comply; and
- Statement to Support Filing and Submission in Accordance with 37 CFR 1.821-1.825; Computer-Readable Sequence Listing (paper copy); Computer Readable Sequence Listing (diskette); Amendment in Response to Notice Under 37 CFR 1.821-825; Marked-Up Copy of Substitute Specification (72 pages); Clean Copy of Substitute Specification (71 pages)
- Small entity status is hereby claimed.
- Charge \_\_\_\_\_ to Deposit Account No. 02-4800 for the fee due.
- A check in the amount of \_\_\_\_\_ is enclosed for the fee due.
- Charge \_\_\_\_\_ to credit card for the fee due. Form PTO-2038 is attached.
- The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC



By:

Deborah H. Yellin  
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Date November 20, 2006

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1034232-660019



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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U.S. APPLICATION NUMBER NOV 20 2006	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/573,813	Mitsufumi Wada	1034232000019
		INTERNATIONAL APPLICATION NO.
		PCT/JP04/14037
		I.A. FILING DATE
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		PRIORITY DATE
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 BUCHANAN INGERSOLL PC  
 SEP 20 2006  
 DOCKETED 9-20-06  
 9-20-06 mhs

Date Mailed: 09/18/2006

**URGENT**

### NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application clearly fails to comply with the requirements of 37 CFR 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application**. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

SEQ listing due 11-18-06

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

ANITA D JOHNSON

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Telephone: (703) 308-9140 EXT 226

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/573,813	PCT/JP04/14037	1034232000019

FORM PCT/DO/EO/922 (371 Formalities Notice)